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3447. Misbranding of Desoxyn Hydrochloride tablets, Triazoline tablets, and pentobarbital sodium capsules. U. S. v. Fisher Drug Co. and Harold C. Jenkins. Pleas of nolo contendere. Individual fined \$2,500 and sentenced to 1 year in jail; jail sentence suspended and individual placed on probation. No sentence imposed against company. (F. D. C. No. 30031. Sample Nos. 71096-K, 71104-K, 71107-K, 71109-K, 71116-K.)

INFORMATION FILED: February 21, 1951, District of Nevada, against the Fisher Drug Co., a partnership, Las Vegas, Nev., and Harold C. Jenkins, a partner in the partnership.

INTERSTATE SHIPMENT: From the State of California into the State of Nevada, of quantities of *Desoxyn Hydrochloride tablets*, *Triazoline tablets*, and *pentobarbital sodium capsules*.

ALLEGED VIOLATION: On or about January 31 and February 2, 3, 4, and 13, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use in that the directions "One every three hours as necessary," borne on the labeling of the *Triazoline tablets*, were not adequate directions for use and since the other repackaged drugs bore no directions for use.

Further misbranding, Section 502 (d), the *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), a portion of the repackaged *Desoxyn Hydrochloride tablets* failed to bear a label containing the common or usual name of the drug, namely, Desoxyn; Section 502 (e) (2), the repackaged *Triazoline tablets* failed to bear a label containing the common or usual name of each active ingredient, namely, sulfadiazine, sulfamerazine, and sulfathiazole; and, Section 502 (f) (2), the repackaged *Desoxyn Hydrochloride tablets* and *Triazoline tablets* failed to bear labeling containing warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

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